

chairs stand empty, and individuals on the reservation are forced to travel long distances to receive these vital services. This also is the case on the neighboring Rosebud Indian reservation.

But this is not solely an Indian issue. It affects surrounding rural community hospitals, ambulance services, and other health care providers who work with IHS. For example, the Lake Andes-Wagner ambulance district in northeastern South Dakota is facing financial disaster, in part because they have not been reimbursed properly by the Indian Health Service.

This ambulance service offers emergency transport for citizens of Charles Mix County and Yankton Sioux tribal members, since the Wagner IHS hospital cannot afford to operate its own service. If this ambulance service shuts down, what will these residents—Indian and non-Indian—do when they face an emergency?

Bennett County Hospital in the southwestern part of South Dakota is located between the Pine Ridge and Rosebud Indian reservations, and suffers similar IHS reimbursement problems, as do other non-IHS providers in South Dakota and throughout rural America.

From 1998 to 2001, the most recent year for which IHS has data, IHS contract denials have increased 75 percent.

In his budget request for the next fiscal year, the President requested only \$1.99 billion for clinical services for Indians. This represents only a small increase over what the President requested for fiscal year 2003, and virtually no increase over what was finally included in the omnibus appropriations bill. We can and must do better.

The amendment I am proposing would increase funding for clinical services by \$2.9 billion over the President's request for fiscal year 2004. It is the minimal amount that is necessary to provide basic health care to the current IHS user population. The full cost over the next 10 years would be \$38.7 billion. The amendment also devotes an equal amount to deficit reduction, all offset by a corresponding decrease in the top tax rate reduction.

The amendment is cosponsored by Senators INOUE, BINGAMAN, DORGAN, MURRAY, WYDEN, JOHNSON, LEAHY, CANTWELL, REID, KENNEDY, and LIEBERMAN. It is also supported by a wide range of health organizations, native and non-native.

This budget resolution is a test of this Nation's priorities. Some will say that it doesn't matter, that it is purely symbolic. But the whole point of the budget resolution is to establish an enforceable fiscal framework and make room in our budget for needs that we believe are worthy of our national attention.

I know there are some in this body who honestly believe that it is more important to accelerate huge tax cuts for our Nation's wealthiest citizens than to provide Native Americans the health care they have been promised

but denied. Some defend that position by saying that someday, somehow, these Native Americans will benefit from the tax cuts extended to others, that the benefit will "trickle down" to them as well. It is their right to take that position, but they could not be more wrong.

A woman going into labor cannot wait for economic benefits to trickle down to her.

A child in respiratory distress cannot wait either. How is it possible that we can afford to delve deeper into debt to fund additional tax cuts for those doing relatively well in this country, but we cannot afford to dedicate a small fraction of that amount to fund the most basic health care services for some of the poorest people in America, today?

We must not tolerate this situation. The problem is real; the solution is simple. Give the Indian Health Service the funds it needs to provide Native Americans the health benefits they were promised.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

#### ADDITIONAL STATEMENTS

##### LOCAL LAW ENFORCEMENT ACT OF 2001

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 13, 2001 in Clarkston, GA. Four men cornered and assaulted a 22-year-old Sudanese man who was walking home late at night. The group of attackers stepped out in front of him and accused him of being involved in the terrorist attacks in New York. The men threatened, "You killed our people in New York. We want to kill you tonight." They shoved him against a wall and tried to stab him, slicing a hole in his shirt. Finally, when another Sudanese man rushed over to his friend's rescue, the four attackers fled.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well. •

#### TRIBUTE TO PAULETTE CAREY

• Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to Paulette Carey who was selected as the Veterans of Foreign Wars, VFW, National Citizenship Education Teacher Award winner for grades 6 through 8. She was chosen for her contributions as a teacher to classroom activities that have benefitted her students. Paulette was chosen among entries received from 53 VFW State and overseas headquarters.

As a teacher at Oldham County Middle School, Ms. Carey has demonstrated excellence in her classroom that has made all the difference in the lives of her students. Her commitment towards improving the quality of education in Kentucky's schools has proven her value as an educator.

I am glad that Paulette Carey chose to be a teacher in the Commonwealth of Kentucky, and it is a source of great pride to call attention to her excellence. The citizens from Oldham County are fortunate to call Paulette Carey one of their own. They are privileged to be served by such a fine educator. Her example should be followed by teachers across Kentucky. •

#### MESSAGES FROM THE PRESIDENT

Message from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-69. A resolution adopted by the Borough of Middlesex, State of New Jersey, relative to the releasing of first responder funds to municipalities; to the Committee on the Judiciary.

\* \* \* \* \*

POM-70. A joint resolution adopted by the Legislature of the State of New Mexico relative to fully funding the Federal Government's share of special education services in public schools; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE JOINT MEMORIAL 1

Whereas, since its enactment in 1975, the Federal Individuals with Disabilities Education Act has helped millions of children with special needs receive a quality education and develop to their full capacities; and

Whereas, the Federal Individuals with Disabilities Education Act has moved children

with disabilities out of institutions and into public school classrooms with their peers; and

Whereas, the Federal Individuals with Disabilities Education Act has helped break down stereotypes and dispel ignorance about people with disabilities, thus improving the quality of life and economic opportunity for millions of Americans; and

Whereas, when the Federal Government enacted the Individuals with Disabilities Education Act, it promised to fund up to forty percent of the average per special needs pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the Federal Government currently funds, on average, less than fourteen percent of the average per special needs pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas, the Federal Government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; Now, therefore, be it

*Resolved by the Legislature of the State of New Mexico* That the President and Congress be urged to fund forty percent of the average per special needs pupil expenditure in public elementary and secondary schools in the United States as promised under the Federal Individuals with Disabilities Education Act to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and be it further

*Resolved*, That copies of this Memorial be sent to the President of the United States, the Speaker of the House of Representatives of the United States, the President of the United States Senate and the Members of the New Mexico Congressional Delegation.

POM-71. A resolution adopted by the Legislature of the State of New Mexico relative to honoring the nations, tribes and pueblos of New Mexico; to the Committee on Indian Affairs.

#### SENATE MEMORIAL 18

Whereas, New Mexico's Nations, Tribes and Pueblos are centuries-old communities that established and continue to employ well-organized tribal self-governing systems; and

Whereas, the existence and significance of Indian self-government and tribal sovereignty over tribal homelands was acknowledged in New Mexico from the outset of European contact as evidenced by the early Spanish Land Grants, the recognition of civil and political rights by the independent Government of Mexico, the United States in the 1848 Treaty of Guadalupe Hidalgo and by the State in its Enabling Act of 1910; and

Whereas, the State has continued to recognize and respect the sovereign tribal governments of New Mexico through many state laws that encourage the use of cooperative agreements that authorize and encourage the Legislative, Executive and Judicial Branches of the New Mexico Government to coordinate and work cooperatively with the Nations, Tribes and Pueblos of New Mexico; and

Whereas, the Senate celebrates and honors the governments, leadership and contributions of the Nations, Tribes and Pueblos of New Mexico through an annual recognition day known as "American Indian Day", occurring this year on February 4, 2003; and

Whereas, the Governor is in the process of executing agreements reaffirming government-to-government relationships between the State and the Nations, Tribes and Pueblos of New Mexico; Now, therefore, be it

*Resolved by the Senate of the State of New Mexico* That it salute and honor the Nations, Tribes and Pueblos of New Mexico by reaffirming its recognition of their status as sovereign governments and the Legislature's commitment to interact with the Nations, Tribes and Pueblos on a government-to-government basis so as to promote intergovernmental cooperation, coordination and communication on all matters; and be it further

*Resolved*, That the New Mexico Congressional Delegation be encouraged to support and reaffirm the government-to-government relationship between states and tribes and the fundamental principle that Indian Nations, Tribes and Pueblos retain their inherent sovereign rights over their tribal lands except as provided by Congress in an act of law or by the ratification of a treaty; and be it further

*Resolved*, That the Senate express its high regard for the Pueblos, Nations and Tribes of New Mexico and all they have done to strengthen community through their willingness to work cooperatively with the State in many areas such as Taxation, Tourism, Environmental Protection, Social Services Delivery, Health, Education, Gaming and Public Safety; and be it further

*Resolved*, That copies of this Memorial be transmitted to each of the Nations, Tribes and Pueblos of New Mexico, the President of the United States, the New Mexico Congressional Delegation, the President and President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives and the New Mexico Legislative Council.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN:

S. 692. A bill to require the Federal Trade Commission to issue rules regarding the disclosure of technological measures that restrict consumer flexibility to use and manipulate digital information and entertainment content; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD (for himself and Mr. DAYTON):

S. 693. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make volunteer members of the Civil Air Patrol eligible for Public Safety Officer death benefits; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 694. A bill to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, and Mr. ROBERTS):

S. 695. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. BREAUX, Ms. COLLINS, Mr. DOMENICI, Mr. BAUCUS, Ms. LANDRIEU, Mr. CHAFEE, Mr. ALLARD, Mr. INHOFE, Mr. LOTT, and Mr. THOMAS):

S. 696. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for marginal domestic oil and natural gas well production and an election to expense geological and geophysical expenditures and

delay rental payments; to the Committee on Finance.

By Mr. HATCH:

S. 697. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchase plans; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Con. Res. 28. A concurrent resolution authorizing the printing of the Biographical Directory of the United States Congress, 1774-2005; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 68

At the request of Mr. INOUE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 189

At the request of Mr. WYDEN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 189, a bill to authorize appropriations for nanoscience, nanotechnology, and nanotechnology research, and for other purposes.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 274

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 274, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 327

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 327, a bill to amend part A of title IV of the Social Security Act to allow up to 24 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program.

S. 330

At the request of Mr. CAMPBELL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 330, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 392

At the request of Mr. REID, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from